



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/920,385	08/01/2001	Bruce F. Monzyk	BAT 2 0001

27885

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP  
1100 SUPERIOR AVENUE, SEVENTH FLOOR  
CLEVELAND, OH 44114

CONFIRMATION NO. 4393

## FORMALITIES LETTER



\*OC000000006535601\*

Date Mailed: 09/10/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

---

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



1100 SUPERIOR AVENUE  
SEVENTH FLOOR  
CLEVELAND, OHIO 44114-2518  
Telephone: 216/861-5582  
Facsimiles: 216/241-1666 and 216/241-5147

DATE: November 5, 2004

TO: UNITED STATES PATENT AND TRADEMARK OFFICE

ATTN.: Examiner Donald R. Valentine

FACSIMILE NO.: 571-273-1250

FROM: Richard M. Klein, Esq.

RE: Serial No. 09/920,385 (Our Ref.: BATZ 2 00001)

TOTAL PAGES: 20 (including cover sheet)

*Please call us immediately at (216) 861-5582 if this transmission is incomplete or illegible.*

COMMENTS:

**Pursuant to your request, attached is the entire filing from October 29, 2001 in response to the Notice of Missing Parts. Please contact us if you have any further questions.**

*The documents accompanying this facsimile transmission include information from the firm of Fay, Sharpe, Fagan, Minnich & McKee, LLP that might be legally privileged and/or confidential. The information is intended for the use of only the individual or entity named on this cover sheet. If you are not the intended recipient, any disclosure, copying, or distribution of these documents, or the taking of any action based on the contents of this transmission, is prohibited. If you have received this transmission in error, these documents should be returned to this firm as soon as possible, and we ask that you notify us immediately by telephone so we can arrange for their return to us without cost to you.*

L:\SKDATA\FAXES\USPTO.DOC



**CERTIFICATE OF MAILING**

I hereby certify that this RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR 1.63 in connection with the above identified U.S. Patent Application is being deposited with the United States Postal Service and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, BOX MISSING PARTS on October 29, 2001.

Laurie A. Boylan  
Laurie A. Boylan

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF : Monzyk et al.  
FOR : **PHOTOLYTIC ARTIFICIAL LUNG**  
SERIAL NO. : 09/920,385  
FILED : August 1, 2001  
CUSTOMER NO. : 27885  
ATTORNEY DOCKET NO. : BAT 2 0001  
CONFIRMATION NO. : 4393

Cleveland, Ohio 44114-2518  
October 29, 2001

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF APPLICATION UNDER 37 CFR 1.63**

Assistant Commissioner for Patents  
Washington, D. C. 20231  
**BOX MISSING PARTS**

Dear Sir:

Responsive to the Notice to File Missing Parts issued September 10, 2001 on the above-captioned patent application, a "Declaration For Patent Application" is enclosed herewith.

The enclosed Declaration has been duly executed by the inventor(s).

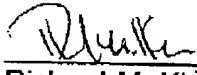
A check in the amount of one-hundred, thirty dollars (\$130.00) to cover the surcharge required under 37 CFR 1.16(e) for filing the Declaration later than the filing date of the application itself is attached hereto. Please charge any additional fees which may be necessary to Deposit Account No. 06-0308.

The foregoing submissions are believed to meet the requirements of the Notice to File Missing Parts, and the applicant(s) await(s) further action on the application from the Patent and Trademark Office.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Respectfully submitted,  
FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

Date: 11/5/2004

  
Richard M. Klein  
Reg. No. 33,000  
1100 Superior Avenue, Seventh Floor  
Cleveland, Ohio 4411-2518  
(216) 861-5582

N:\BAT20001\LAB0330A.WPD

Attorney Docket No. BAT 2 0001**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATIONS**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PHOTOLYTIC ARTIFICIAL LUNGthe Specification of which  
(check one)☐ is attached hereto.

☒ was filed on August 1, 2001 as  
Application No. 09/920,385  
and was amended on \_\_\_\_\_  
(if applicable) was described and claimed in PCT International Application No.  
\_\_\_\_\_, filed on \_\_\_\_\_ and amended under  
PCT Article 19 on \_\_\_\_\_.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge my duty to disclose to the Office information of which I am aware which is material to patentability. Such information is material to patentability when it is not cumulative to information already of record in the application, and (1) it establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any corresponding foreign application(s) for patent or inventor's certificate having a filing date before that of the application(s) of which priority is claimed.

Country	Application No.	Filing Date	Priority Claimed
			Yes [ ] No [ ]
			Yes [ ] No [ ]

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

---

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty, as stated above, to disclose material information, as defined in Title 37, Code of Federal Regulations, §1.56, relating to events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

---

(Application Serial No.)

(Filing Date)

(Status)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Mark E. Bandy, Reg. No. 35,788  
 Brian G. Bembenick, Reg. No. 41,463  
 John P. Cornely, Reg. No. 41,687  
 David B. Cupar, Reg. No. 47,510  
 Joseph D. Dreher, Reg. No. 37,123  
 Matthew P. Dugan, Reg. No. 44,663  
 Christopher B. Fagan, Reg. No. 22,987  
 Patrick D. Floyd, Reg. No. 39,671  
 Jude A. Fry, Reg. No. 38,340  
 Steven M. Haas, Reg. No. 37,641  
 Michael E. Hudzinski, Reg. No. 34,185  
 Edward T. Kennedy, Reg. No. 48,478  
 Richard M. Klein, Reg. No. 33,000  
 Thomas E. Kocovsky, Jr., Reg. No. 28,383

Sandra M. Koenig, Reg. No. 33,722  
 Scott A. McCollister, Reg. No. 33,961  
 James W. McKee, Reg. No. 26,482  
 Richard J. Minnich, Reg. No. 24,175  
 Jay F. Moldovanyi, Reg. No. 29,678  
 Philip J. Moy, Reg. No. 31,280  
 Timothy E. Nauman, Reg. No. 32,283  
 Eric Overberger, Reg. No. 48,556  
 Scott C. Rand, Reg. No. 40,359  
 Patrick R. Roche, Reg. No. 29,580  
 James E. Scarbrough, Reg. No. 47,056  
 Ann M. Skerry, Ph.D., Reg. No. 45,655  
 Mark S. Svat, Reg. No. 34,261  
 Jason A. Worgull, Reg. No. 48,044

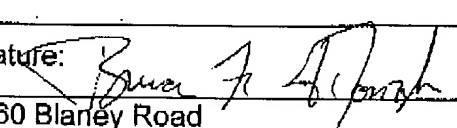
Direct all telephone calls to: Richard M. Klein at telephone number: (216) 861-5582.  
 Facsimile No. (216) 241-1666. E-Mail Address: Rklein@FaySharpe.com  
 Address all correspondence to:

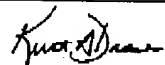
Richard M. Klein  
 FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP  
 1100 Superior Avenue - Suite 700  
 Cleveland, Ohio 44114-2518

This appointment shall include all power to prosecute and transact all business relating to all applications corresponding to the referenced application in all countries, including all regional and international patent offices, such as, but not limited to, the European Patent Office and all offices and bureaus established in accordance with the Patent Cooperation Treaty.

I hereby further designate and appoint any officer of FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP, my attorney in fact with full power of substitution and revocation, including power to designate a substitute principal attorney.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Full Name of Sole or First Joint Inventor: Bruce F. MONZYK	
Inventor's Signature: 	Date: 10/12/2001
Residence: 7460 Blarley Road Delaware, Ohio 43015	
Citizenship: US	
Post Office Address (if different):	

Full Name of Second Joint Inventor: Kurt DASSE	
Inventor's Signature: 	Date: 10/9/01
Residence: 355 Cartwright Road Wellesley Massachusetts 02482	
Citizenship: US	
Post Office Address (if different):	





## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/920,385	08/01/2001	Bruce F. Monzyk	BAT 2 0001

27885  
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP  
1100 SUPERIOR AVENUE, SEVENTH FLOOR  
CLEVELAND, OH 44114

CONFIRMATION NO. 4393

## FORMALITIES LETTER

  
\*0000000006535601\*

Date Mailed: 09/10/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

---

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP		VENDOR #:	170	CHECK #:	94859
DATE	INVOICE NO. OR REFERENCE	AMOUNT	DISCOUNT	BALANCE	
10/29/01	BAT 2 0001	40.00	.00	40.00	
94859		<b>TOTALS</b>	40.00	.00	40.00

PLEASE DETACH STATEMENT BEFORE DEPOSITING CHECK